

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DENISE ANN CROOKER,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 3:20-1695
	:	
v.	:	(JUDGE MANNION)
	:	
TESSITORE, et al.,	:	
	:	
Defendants.	:	

ORDER

In light of the memorandum issued on the same day, **IT IS HEREBY ORDERED THAT:**

(1) Judge Schwab's report and recommendation, **(Doc. 116)**, is **ADOPTED IN ITS ENTIRETY.**

(2) The defendants' motion for summary judgment, **(Doc. 99)**, is **GRANTED IN PART.**

a. The motion is **GRANTED** on:

i. Counts I, III, IV, and V.

ii. Count II as it pertains to the search warrant, seizure of the animals, the arrest of the plaintiff, and the living animals. Count II is now limited to determine if plaintiff's due process rights were violated with the euthanasia of Kelly/Elizabeth.

- (3) The parties shall both file supplemental briefing by **June 9, 2023** to address whether Camp Pampillon and Pocono Peak Veterinary Center are state actors as required to bring a due process claim.
- (4) If the parties so choose, they may file a responsive brief by **June 16, 2023**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: May 16, 2023

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